

Honorable Brian M. Cogan
United States District Court Judge
U.S. Eastern District, New York
225 Cadman Plaza East
Brooklyn, NY 11201

August 14.2022

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RE: Brainwave Science, Inc. v. Arshee, Inc. et al Case Number: 1:21-cv-04402-BMC

Dr. Lawrence Farwell's Letter Motion 3

Dear Judge Cogan,

I, Dr. Lawrence A. Farwell, am Defendant (pro se) in the referenced case.

I am writing to move that the Court Modify the Preliminary Restraining Order (ECF 30).

The Preliminary Restraining Order states:

2. Defendants must not sell or transfer plaintiff's "confidential or proprietary information;"
3. Defendants must not use plaintiff's "confidential or proprietary information" in any software update or product demonstration.
4. Defendants must provide to plaintiff, at plaintiff's sole expense, a report from an independent third party confirming that any P300-related software demonstration, sale, update, or transfer by defendants does not include plaintiff's "confidential or proprietary information."

For the purposes of this preliminary injunction, "confidential or proprietary information" is defined as any portion of the program plaintiff originally submitted to Codequiry as its code.

I request that the Court amend the Preliminary Restraining Order as follows.

1. The sentence quoted immediately above shall be modified to read as follows:

"For the purposes of this preliminary injunction, 'confidential or proprietary information' is defined as any portion of the program plaintiff originally submitted to Codequiry as its code, except for material therein that is in the public domain."

2. The following sentence shall be added immediately thereafter:

“The above provisions 2, 3, and 4 shall not apply to software that Dr. Farwell and/or others developed and implemented before the founding of Brainwave Science, LLC in 2012.”

Sincerely,

Lawrence A. Farwell

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